

REMARKS

By this amendment, claims 1-36 are pending, in which claims 1, 10, 19 and 28 are currently amended. Care was exercised to avoid the introduction of new matter. It is believed that the changes to the independent claims 1, 10, 19 and 28 merely clarify the operation of the data compression module. These changes are not believed to raise new issues requiring further consideration and/or search, and it is therefore respectfully requested that the present amendment be entered under 37 C.F.R. §1.116.

The Office Action mailed May 11, 2005 rejected claims 1-36 as obvious under 35 U.S.C. § 103 based on *Baras et al.* ("Fast Asymmetric Internet Over Wireless Satellite-Terrestrial Networks," MILCOM 97 Proceedings, Nov. 3-5, 1997, Annual Military Communications Conference) in view of *Takagi et al.* (EP 0 903 905 A) in further view of *Walrand* (Communications Networks: A First Course, Boston: McGraw-Hill, 1998).

Independent claim 1 recites "wherein the data compression module **concurrently applies different types of compression on the individual connections.**" Claims 10 and 28 recite "**applying data compression on individual ones of the connections or the backbone connection using, concurrently, different types of compression on the individual connections.**" Claim 19 includes the features of "means for applying data compression on individual ones of the connections or the backbone connection **using, concurrently, different types of compression on the individual connections.**" These features are fully supporting in the Specification; for example, paragraph [59] on page 14.

The Office Action, on page 2, acknowledges that *Baras* and *Takagi* fail to disclose use of data compression, and thus, relies on *Walrand* for a disclosure of "the foundations of data compression on a computer network." The Office Action also acknowledges that *Walrand* is "a generalized computer networking textbook." *Walrand* indeed, in general terms, discusses use of data compression, without grounding in the context of the claims. Namely, the claims specifically recite "wherein the data compression module **concurrently applies different types of compression on the individual connections.**" This feature is not disclosed by *Walrand*. Thus, the applied reference, individually or in combination, fails to satisfy all the features of the claims.

Further, it is well settled that it is impermissible simply to engage in hindsight reconstruction of the claimed invention, using Applicant's structure as a template and selecting elements from the references to

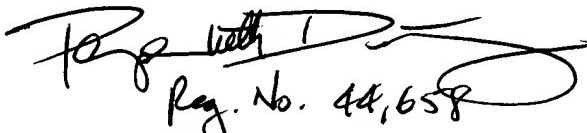
fill in the gaps. *In re Gorman*, 933 F.2d 982, 18 USPQ2d 1885 (Fed. Cir. 1991). Recognizing, after the fact, that a modification of the prior art would provide an improvement or advantage, without suggestion thereof by the prior art, rather than dictating a conclusion of obviousness, is an indication of improper application of hindsight considerations. Simplicity and hindsight are not proper criteria for resolving obviousness. *In re Warner*, 397 F.2d 1011, 154 USPQ 173 (CCPA 1967). Here, the references of *Baras* and *Takagi* makes no suggestion for modifying their systems with a data compression capability, as such addition would entail greater complexity and cost.

In fact, the *Baras* system operates by selectively dropping redundant acknowledgment packets (page 372). However, if the general teachings of *Warland* were applied, all connections including TCP connections would be compressed, thereby complicating the detection of the acknowledgment packets. Such detection would be more costly in terms of processing resource and delay, as the traffic would have to be decompressed before the contents can be determined. A conclusion of obviousness is not compelled by the fact that the prior art could be modified so as to result in the combination defined by the claims; obviousness turns on whether the prior art suggests the desirability of the modification. The requisite motivation to establish a *prima facie* case of obviousness cannot be established by undercutting the expressed objectives of an applied reference. See *In re Fritch*, 972 F.2d 1260, 23 USPQ2d 1780 (Fed. Cir. 1992); *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984); *In re Schulpen*, 390 F.2d 1009, 157 USPQ 52 (CCPA 1968).

In view of the foregoing, Applicants respectfully urge the indication that independent claims 1, 10, 19 and 28 are allowable, along with claims 2-9, 11-18, 20-27 and 29-36 depending therefrom.

Therefore, the present application, as amended, overcomes the objections and rejections of record and is in condition for allowance. Favorable consideration of this application is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (301) 601-7252 so that such issues may be resolved as expeditiously as possible. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



The signature is handwritten in black ink. It appears to read "Craig L. Plastrik" above "Reg. No. 44,658".

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